

## SUBCOMMITTEE: HEALTH PROFESSIONS

## HOUSE BILL NO. 908

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on \_\_\_\_\_)

(Patrons Prior to Substitute--Delegates Hayes, Gooditis [HBs 1465 and 1466], and Hope [HB 650])

A BILL to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to naloxone; possession.

**Be it enacted by the General Assembly of Virginia:****1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:****§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.****A. Any person who:**

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the

rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic,

doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by

him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the

immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who

administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

19. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

20. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

188           Any person serving without compensation as a dispatcher for any licensed public or nonprofit  
189 emergency medical services agency in the Commonwealth shall not be liable for any civil damages for  
190 any act or omission resulting from the rendering of emergency services in good faith by the personnel of  
191 such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or  
192 willful misconduct.

193           Any individual, certified by the State Office of Emergency Medical Services as an emergency  
194 medical services instructor and pursuant to a written agreement with such office, who, in good faith and  
195 in the performance of his duties, provides instruction to persons for certification or recertification as a  
196 certified basic life support or advanced life support emergency medical services provider shall not be  
197 liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of  
198 such office unless such act or omission was the result of such emergency medical services instructor's  
199 gross negligence or willful misconduct.

200           Any licensed physician serving without compensation as a medical advisor to an E-911 system in  
201 the Commonwealth shall not be liable for any civil damages for any act or omission resulting from  
202 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911  
203 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the  
204 result of such physician's gross negligence or willful misconduct.

205           Any licensed physician who directs the provision of emergency medical services, as authorized by  
206 the State Board of Health, through a communications device shall not be liable for any civil damages for  
207 any act or omission resulting from the rendering of such emergency medical services unless such act or  
208 omission was the result of such physician's gross negligence or willful misconduct.

209           Any licensed physician serving without compensation as a supervisor of an AED in the  
210 Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering  
211 medical advice in good faith to the owner of the AED relating to personnel training, local emergency  
212 medical services coordination, protocol approval, AED deployment strategies, and equipment  
213 maintenance plans and records unless such act or omission was the result of such physician's gross  
214 negligence or willful misconduct.



215 C. Any communications services provider, as defined in § 58.1-647, including mobile service, and  
216 any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any  
217 civil damages for any act or omission resulting from rendering such service with or without charge related  
218 to emergency calls unless such act or omission was the result of such service provider's gross negligence  
219 or willful misconduct.

220 Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily  
221 providing personnel to engage in rescue or recovery work at a mine not owned or operated by such  
222 operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such  
223 rescue or recovery work in good faith unless such act or omission was the result of gross negligence or  
224 willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP  
225 service" means any Internet protocol-enabled services utilizing a broadband connection, actually  
226 originating or terminating in Internet Protocol from either or both ends of a channel of communication  
227 offering real time, multidirectional voice functionality, including, but not limited to, services similar to  
228 traditional telephone service.

229 D. Nothing contained in this section shall be construed to provide immunity from liability arising  
230 out of the operation of a motor vehicle.

231 E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries  
232 of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries  
233 or wages of employees of a coal producer engaging in emergency medical services or first aid services  
234 pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii)  
235 complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the  
236 National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a)  
237 owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the  
238 Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of  
239 emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any  
240 person providing care or assistance pursuant to this section.

241 For the purposes of this section, "emergency medical services provider" shall include a person  
242 licensed or certified as such or its equivalent by any other state when he is performing services that he is  
243 licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth,  
244 which care originated in such other state.

245 Further, the public shall be urged to receive training on how to use CPR and an AED in order to  
246 acquire the skills and confidence to respond to emergencies using both CPR and an AED.

247 **§ 54.1-3408. Professional use by practitioners.**

248 A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed  
249 nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or  
250 a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe,  
251 dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within  
252 the course of his professional practice.

253 B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral  
254 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may  
255 cause drugs or devices to be administered by:

- 256 1. A nurse, physician assistant, or intern under his direction and supervision;
- 257 2. Persons trained to administer drugs and devices to patients in state-owned or state-operated  
258 hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the  
259 Department of Behavioral Health and Developmental Services who administer drugs under the control  
260 and supervision of the prescriber or a pharmacist;
- 261 3. Emergency medical services personnel certified and authorized to administer drugs and devices  
262 pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant  
263 to an oral or written order or standing protocol; or
- 264 4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation  
265 controlled substances used in inhalation or respiratory therapy.

266 C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by  
267 state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may

268 authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used  
269 in the diagnosis or treatment of disease.

270 D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the  
271 course of his professional practice, such prescriber may authorize registered nurses and licensed practical  
272 nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical  
273 conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

274 Pursuant to the regulations of the Board of Health, certain emergency medical services technicians  
275 may possess and administer epinephrine in emergency cases of anaphylactic shock.

276 Pursuant to an order or standing protocol issued by the prescriber within the course of his  
277 professional practice, any school nurse, school board employee, employee of a local governing body, or  
278 employee of a local health department who is authorized by a prescriber and trained in the administration  
279 of epinephrine may possess and administer epinephrine.

280 Pursuant to an order or a standing protocol issued by the prescriber within the course of his  
281 professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and  
282 licensed by the Board of Education, or any employee of a private school that is accredited pursuant to §  
283 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber  
284 and trained in the administration of epinephrine may possess and administer epinephrine.

285 Pursuant to an order or a standing protocol issued by the prescriber within the course of his  
286 professional practice, any employee of a public institution of higher education or a private institution of  
287 higher education who is authorized by a prescriber and trained in the administration of epinephrine may  
288 possess and administer epinephrine.

289 Pursuant to an order or a standing protocol issued by the prescriber within the course of his  
290 professional practice, any employee of an organization providing outdoor educational experiences or  
291 programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may  
292 possess and administer epinephrine.

293 Pursuant to an order issued by the prescriber within the course of his professional practice, an  
294 employee of a provider licensed by the Department of Behavioral Health and Developmental Services or

295 a person providing services pursuant to a contract with a provider licensed by the Department of  
296 Behavioral Health and Developmental Services may possess and administer epinephrine, provided such  
297 person is authorized and trained in the administration of epinephrine.

298 Pursuant to an oral or written order or standing protocol issued by the prescriber within the course  
299 of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen  
300 for administration in treatment of emergency medical conditions.

301 E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the  
302 course of his professional practice, such prescriber may authorize licensed physical therapists to possess  
303 and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

304 F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the  
305 course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and  
306 administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in  
307 emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

308 G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the  
309 course of his professional practice, and in accordance with policies and guidelines established by the  
310 Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed  
311 practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified  
312 protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines  
313 shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention  
314 for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any  
315 subsequently implemented standards of the Occupational Safety and Health Administration and the  
316 Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's  
317 policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to  
318 whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of  
319 those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing  
320 protocols has received adequate training in the practice and principles underlying tuberculin screening.

321           The Health Commissioner or his designee may authorize registered nurses, acting as agents of the  
322 Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein  
323 derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and  
324 policies established by the Department of Health.

325           H. Pursuant to a written order or standing protocol issued by the prescriber within the course of  
326 his professional practice, such prescriber may authorize, with the consent of the parents as defined in §  
327 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-  
328 319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as  
329 administered by the Virginia Council for Private Education who is trained in the administration of insulin  
330 and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as  
331 having diabetes and who requires insulin injections during the school day or for whom glucagon has been  
332 prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when  
333 a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the  
334 administration of the medication.

335           Pursuant to a written order or standing protocol issued by the prescriber within the course of his  
336 professional practice, such prescriber may authorize an employee of a public institution of higher  
337 education or a private institution of higher education who is trained in the administration of insulin and  
338 glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed  
339 as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the  
340 emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse,  
341 nurse practitioner, physician, or physician assistant is not present to perform the administration of the  
342 medication.

343           Pursuant to a written order issued by the prescriber within the course of his professional practice,  
344 such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health  
345 and Developmental Services or a person providing services pursuant to a contract with a provider licensed  
346 by the Department of Behavioral Health and Developmental Services to assist with the administration of  
347 insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin

348 injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia,  
349 provided such employee or person providing services has been trained in the administration of insulin and  
350 glucagon.

351 I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the  
352 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is  
353 not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses  
354 under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with  
355 established protocols of the Department of Health may authorize the administration of vaccines to any  
356 person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced  
357 life support certificate issued by the Commissioner of Health under the direction of an operational medical  
358 director when the prescriber is not physically present. The emergency medical services provider shall  
359 provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

360 J. A dentist may cause Schedule VI topical drugs to be administered under his direction and  
361 supervision by either a dental hygienist or by an authorized agent of the dentist.

362 Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist  
363 in the course of his professional practice, a dentist may authorize a dental hygienist under his general  
364 supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of §  
365 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly  
366 applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical  
367 drug approved by the Board of Dentistry.

368 In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule  
369 VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI  
370 local anesthesia.

371 K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the  
372 course of his professional practice, such prescriber may authorize registered professional nurses certified  
373 as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically

374 present to possess and administer preventive medications for victims of sexual assault as recommended  
375 by the Centers for Disease Control and Prevention.

376 L. This section shall not prevent the administration of drugs by a person who has satisfactorily  
377 completed a training program for this purpose approved by the Board of Nursing and who administers  
378 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of  
379 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to  
380 security and record keeping, when the drugs administered would be normally self-administered by (i) an  
381 individual receiving services in a program licensed by the Department of Behavioral Health and  
382 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision  
383 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the  
384 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program  
385 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any  
386 facility authorized or operated by a state or local government whose primary purpose is not to provide  
387 health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and  
388 licensed by the Department of Social Services, Department of Education, or Department of Behavioral  
389 Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined  
390 in § 22.1-319 and licensed by the Board of Education.

391 In addition, this section shall not prevent a person who has successfully completed a training  
392 program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of  
393 Nursing and been evaluated by a registered nurse as having demonstrated competency in administration  
394 of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from  
395 a program licensed by the Department of Behavioral Health and Developmental Services to such person  
396 via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via  
397 percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

398 M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.)  
399 of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted  
400 living facility licensed by the Department of Social Services. A registered medication aide shall administer

drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared



428 a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued  
429 a declaration of an actual or potential bioterrorism incident or other actual or potential public health  
430 emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons  
431 have received the training necessary to safely administer or dispense the needed drugs or devices. Such  
432 persons shall administer or dispense all drugs or devices under the direction, control, and supervision of  
433 the State Health Commissioner.

434 Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by  
435 unlicensed individuals to a person in his private residence.

436 R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his  
437 authority and scope of practice and the provisions of this section to a Board agent for use pursuant to  
438 subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid  
439 prescriptions.

440 S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient  
441 care technicians who are certified by an organization approved by the Board of Health Professions or  
442 persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the  
443 ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin,  
444 topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for  
445 the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under  
446 the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and  
447 direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a  
448 patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the  
449 clinical skills instruction segment of a supervised dialysis technician training program, provided such  
450 trainee is identified as a "trainee" while working in a renal dialysis facility.

451 The dialysis care technician or dialysis patient care technician administering the medications shall  
452 have demonstrated competency as evidenced by holding current valid certification from an organization  
453 approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

454 T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be  
455 authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

456 U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a  
457 prescriber may authorize the administration of controlled substances by personnel who have been properly  
458 trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include  
459 intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such  
460 administration.

461 V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride  
462 varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine,  
463 osteopathic medicine, or dentistry.

464 W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may  
465 authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse,  
466 licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency  
467 medical services provider who holds an advanced life support certificate issued by the Commissioner of  
468 Health when the prescriber is not physically present.

469 X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order  
470 issued by a prescriber or a standing order issued by the Commissioner of Health or his designee  
471 authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence  
472 of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols  
473 developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of  
474 Health, a pharmacist, a health care provider providing services in a hospital emergency department, and  
475 emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or  
476 other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid  
477 antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other  
478 opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to  
479 experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101,  
480 employees of the Department of Forensic Science, employees of the Office of the Chief Medical

481 Examiner, employees of the Department of General Services Division of Consolidated Laboratory  
482 Services, employees of the Department of Corrections designated as probation and parole officers or as  
483 correctional officers as defined in § 53.1-1, employees of regional jails, school nurses, local health  
484 department employees that are assigned to a public school pursuant to an agreement between the local  
485 health department and the school board, other school board employees or individuals contracted by a  
486 school board to provide school health services, and firefighters who have completed a training program  
487 may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may  
488 dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or  
489 standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his  
490 designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board  
491 of Medicine and the Department of Health.

492 Notwithstanding any other law or regulation to the contrary, an employee or other person acting  
493 on behalf of a public place may possess and administer naloxone or other opioid antagonist, other than  
494 naloxone in an injectable formulation with a hypodermic needle or syringe, to a person who is believed to  
495 be experiencing or about to experience a life-threatening opioid overdose if he has completed a training  
496 program on the administration of such naloxone and administers naloxone in accordance with protocols  
497 developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of  
498 Health. For the purposes of this subsection, "public place" means any enclosed area that is used or held  
499 out for use by the public, whether owned or operated by a public or private interest.

500 Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf  
501 of an organization that provides services to individuals at risk of experiencing an opioid overdose or  
502 training in the administration of naloxone for overdose reversal may dispense naloxone to a person who  
503 has received instruction on the administration of naloxone for opioid overdose reversal, provided that such  
504 dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols  
505 developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of  
506 Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation  
507 with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral

Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

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